

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:10CR3011
	)	
v.	)	
	)	
GARY E. RUSE,	)	MEMORANDUM
	)	AND ORDER
Defendant.	)	
_____	)	

Gary E. Ruse seeks to avoid serving his community confinement requirement of up to 120 days. For various reasons, he has resisted complying with that requirement during his term of probation, and his probation term is coming to an end. I held a hearing, took evidence, and allowed the parties to file briefs regarding the request.

After considering the matter, I find and conclude that there is not a sufficient reason to modify Ruse's probationary sentence by eliminating the community confinement requirement. In short, while Ruse has relatively serious medical conditions, the community confinement sentence will not unduly interfere with Ruse's treatment. Moreover, his wife, who continues to teach and drive herself to work, is capable of caring for herself (and obtaining attention for her relatively serious medical needs) with the help of her sister who resides nearby.

Simply put, white collar criminals like Ruse need to hear the "door clank shut" if only for a brief period of time and if only in the relatively benign setting of a community confinement center. And, to be clear, I will tolerate no further excuses. If Ruse does not cooperate, then it is likely that he will arrested and his probation revoked. I am nearing the end of my rope.

IT IS ORDERED that:

1. Ruse shall begin his community confinement placement as soon as possible in Rapid City, South Dakota. The precise starting date shall be determined by the supervising probation officer.
2. Ruse's period of probation is extended for 120 days or for such longer period of time as is necessary for the purpose of allowing Ruse to complete the required community confinement.
3. The government's objection (filing no. 57) is denied as moot.
4. The motion to file reply responsive to government's objection (filing no. 59) is granted.
5. Once filed, my office shall provide copies of this Memorandum and Order to USPO Jeff Aurich and USPO Fred Samway.

DATED this 24<sup>th</sup> day of September, 2013.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge